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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,972	07/18/2003	Russell Mark Eames	MS#303380.1 (5059)	3011
321	7590	02/14/2007	EXAMINER	
SENNIGER POWERS ONE METROPOLITAN SQUARE 16TH FLOOR ST LOUIS, MO 63102			PARK, ILWOO	
			ART UNIT	PAPER NUMBER
			2182	
SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE		DELIVERY MODE	
3 MONTHS	02/14/2007		ELECTRONIC	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 02/14/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspatents@senniger.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/622,972	EAMES ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ilwoo Park	2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 29 November 2006.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1,2,7-26,44,45,48 and 54 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,7-26,44,45,48 and 54 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 10/18/06.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claims 1, 18, 44, and 54 are amended and claims 3-6, 27-43, 46, 47, 49-53, 55, and 56 are canceled in response to the last office action. Chung et al, Tanaka et al, and Roberts et al were cited in the last office action. Claims 1, 2, 7-26, 44, 45, 48, and 54 are presented for examination.

***Response to Arguments***

2. Applicant's arguments filed 11/29/2006 have been fully considered but they are not persuasive. In the remarks, applicant argues in substance that Tanaka et al fail to teach "caching received property data when the determination indicates that an artist ID is a known various artists value on a media player" because fig. 18 of Tanaka et al showing a typical display of a song list with multiple artists is not applicable; in other words, the claimed determination is directed to addressing the unique data management issues associated with compilations of artists. The examiner respectfully disagrees. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., compilations of artists) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Tanaka et al disclose determining [paragraph 0323] whether each of music contents associated [fig. 7] with an artist is already stored or not in the HDD 31 prior to send a request to download music contents; consequently, artist name [such as Billy Eva, Mill David in fig. 18] of the music contents about to purchase are a known value or

a known various artists value for downloading and artist names [such as John Call, Sarra V in fig. 18] of the music contents already stored and not to be purchased is not a known various artists value for downloading. Thus, Tanaka et al teach caching received property data when the determination indicates that an artist ID is a known various artists value on a media player. Further, applicant argues in substance that Tanaka et al fail to teach a second identification parameter and show a single identification parameter, a CD identifier. The examiner respectfully disagrees. Tanaka et al disclose two identification parameters: a first identification parameter [content ID] and a second identification parameter [CD identifier]. The CD identifier is used for retrieve a content ID when the content ID is not stored in the terminal [fig. 9].

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –  
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 7-26, 44, 45, 48, and 54 re rejected under 35 U.S.C. 102(e) as being anticipated by Tanaka et al. [US 2005/0203992 A1].

As per claim 1, Tanaka et al teach a method for retrieving metadata [e.g., paragraph 0111] for a media file accessible via a media player [terminal 1 in fig. 1], said metadata including property data associated with said media file, comprising:

determining [e.g., paragraphs 0236, 0239, 0380] that said media file is accessed by said media player;

determining [e.g., paragraphs 0242-0244] whether said identification parameter is stored on said media player;

determining [paragraph 0252] whether said property data is stored on said media player;

determining [fig. 18; paragraph 0341] whether an artist ID is a known various artists value on said media player

submitting [S34 in fig. 19; S62 in fig. 21; paragraphs 0346, 0379, 0382] an identification parameter associated with said accessed media file to a server when said determining that said media file is accessed by said media player indicates that said media file is accessed [e.g., step 901 in fig. 9, step 1001 in fig. 10] by said media player;

receiving [e.g., S35 in fig. 19; S72 in fig. 21; paragraphs 0350, 0383] from said server said property data corresponding to the accessed media file; and

caching [e.g., S35 in fig. 19; paragraph 0350, 0354] said received property data with a collection ID [fig. 7; paragraph 0355] when said determining whether said identification parameter is stored on said media player indicates that said identification parameter is stored [paragraphs 0242-0244] on said media player, when said determining whether said property data is stored on said media player indicates that said property data is stored [e.g., paragraph 0351] on said media player, and determining whether an artist ID is a known various artists value on said media player indicates that an artist ID is a known various artists value on said media player [e.g.,

Billy Eva, Mill David in fig. 18 is a known value to be downloaded], said determining whether said identification parameter is stored on said media player, determining whether said property data is stored on said media player, and said determining whether an artist ID is a known various artists value on said media player all occurring before said submitting.

5. As for claim 2, Tanaka et al teach rendering said received property data on said media player for use by a user of said media player [e.g., paragraph 0384].

6. As for claim 7, Tanaka et al teach said identification parameter is a content ID cached on said media player during prior access of said media file by said media player [paragraphs 0259-0261].

7. As for claims 8 and 10, Tanaka et al teach said collection ID defines a music album comprising multiple media files accessible by said media player [fig. 7; paragraph 0219].

8. As for claim 9, Tanaka et al teach determining [paragraphs 0236, 0237] whether a content ID associated with said accessed media file is stored on said media player, and caching [paragraph 0236; fig. 7] said received property data with a collection ID when said determining whether a content ID associated with said accessed media file is stored on said media player indicates that said content ID is not stored on said media player, said determining whether a content ID associated with said accessed media file is not stored on said media player occurring before said submitting.

9. As for claim 11, Tanaka et al teach said submitted identification parameter is a Table of Contents (TOC) stored with said media file [paragraph 0217].

10. As for claim 12, Tanaka et al teach receiving a content ID associated with said accessed media file for subsequent submitting of said content ID as an identification parameter associated with said media file to said server [e.g., fig. 23].
11. As for claim 13, Tanaka et al teach said media file is stored on a compact disk for access of said media file via said media player [paragraph 0099].
12. As for claim 14, Tanaka et al teach said TOC is a compact disc table of contents cataloging media files stored on said compact disc [paragraph 0160].
13. As for claim 15, Tanaka et al teach said identification parameter is at least one of a content ID, a compact disc table of contents (TOC), an AMG album ID (AID), an AMG performer ID (PID), an MSID person, an MSID album and a genre for identifying said media file [paragraph 0217].
14. As for claim 16, Tanaka et al teach said media player comprising a computer and a CD-ROM drive, said media file being stored on a compact disc inserted into the CD-ROM drive of the computer [fig. 3].
15. As for claim 17, Tanaka et al teach said media file is a song and property data is associated with said song [fig. 7].
16. As for claim 18, Tanaka et al teach retrieving stored data from said media player relating to said media file, said stored data comprising data input by a user [paragraph 0230].
17. As for claim 19, Tanaka et al teach said stored data is at least one of a rating of said media file, textual information relating to said media file and lyrics associated with said media file [paragraph 0223].

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18. As for claim 20, Tanaka et al teach a method for retrieving metadata for a media file accessible via a media player [terminal 1 in fig. 1], said metadata including property data associated with said media file, comprising:

    determining [paragraph 0216] whether a first identification parameter [content ID] associated with said media file is stored on said media player;

    submitting [paragraph 0216] a second identification parameter [CD identification] associated with said accessed media file to receive said property data from a server when said determining whether a first identification parameter associated with said media file is stored on said media player indicates said first identification parameter is not stored on said media player;

    determining [paragraph 0242] whether said property data is stored on said media player when said determining whether a first identification parameter associated with said media file is stored on said media player indicates said first identification parameter is stored on said media player;

    submitting [paragraph 0256; fig. 21] said first identification parameter associated with said accessed media file to receive said property data from a server when said determining whether said property data is stored on said media player indicates said property data is not stored on said media player;

    determining [fig. 18; paragraph 0341] whether an artist ID is a known various artists value on said media player when said determining whether said property data is stored on said media player indicates said property data is stored on said media player;

submitting said first identification parameter associated with said accessed media file to receive said property data from a server when said determining whether an artist ID is a known various artists value on said media player indicates said artist ID is a known various artists value [e.g., Billy Eva, Mill David in fig. 18 is a known value to be downloaded]; and

rendering said property data on said media player when said determining whether an artist ID is a known various artists value on said media player indicates said artist ID is not a known various artists value [e.g., John Call, Sarra V in fig. 18 is not a known value to be downloaded; paragraph 0345].

19. As for claim 21, Tanaka et al teach each of said submitting further comprising retrieving said property data from said server [figs. 9, 16, 21].
20. As for claim 22, Tanaka et al teach each of said submitting further comprising rendering said property data on said media player [figs. 9, 16, 21].
21. As for claim 23, Tanaka et al teach determining that said media file is accessed by said media player, said determining that said media file is accessed occurring before said determining whether a first identification parameter associated with said media file is stored on said media player [fig. 8].
22. As for claim 24, Tanaka et al teach said first identification parameter is a content ID associated with said accessed media file [fig. 21].
23. As for claim 25, Tanaka et al teach said second identification parameter is a table of contents (TOC) associated with said accessed media file [paragraph 0238].

24. As for claim 26, Tanaka et al teach said media file is stored on a compact disc [paragraph 0099].

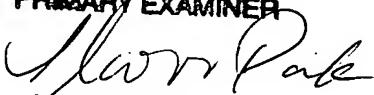
25. As for claims 44, 45, 48, and 54, Tanaka et al teach also teach a computer-readable storage medium having computer-executable instructions for performing a method discussed above.

***Conclusion***

26. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ilwoo Park whose telephone number is (571) 272-4155. The examiner can normally be reached on Monday through Friday from 9:00 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on (571) 272-4147. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ILWOO PARK  
PRIMARY EXAMINER  
  
Ilwoo Park

February 7, 2007